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May 1, 2012

Via ECF and Fax 973-776-7865

Hon. Cathy L. Waldor, U.S.M.J.
United States Court for the District of New Jersey
50 Walnut Street
Newark, New Jersey 07101

**Re: *BanxCorp v. Bankrate Inc.*, Civ. No. 07-3398 (ES)(CLW)
BanxCorp v. LendingTree, LLC, Civ. No. 10-2467 (ES)(CLW)**

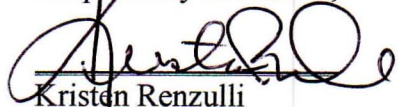
Dear Judge Waldor:

I write on behalf of Plaintiff BanxCorp in response to the letter and draft scheduling order filed today by Defendant Bankrate despite our objections. Enclosed is a draft order reflecting a 30-day extension of the respective dates. All other expert discovery scheduling issues were previously agreed upon by counsel and reiterated by multiple amended orders.

LendingTree has no right to now be granted a 60-day, rather than 30-day extension to serve its affirmative expert report and preclude BanxCorp from serving a responding expert report, if any, as previously agreed and repeatedly ordered both by Judge Arleo and Your Honor. The parties are bound by previous written agreements between counsel, as ruled by Judge Salas during a conference held on August 10, 2011, in which she stated that, "I certainly don't want to see it raised before Judge Waldor if, indeed, there's documented evidence that it was agreed upon, Counsel. Do I make myself clear?" Transcript of Proceedings, August 10, 2011, at 10:2-4.

A copy of LendingTree's letter to the Court dated March 14, 2012 (Doc. No. 319), as agreed upon by counsel and Your Honor's deputy Mr. George Bruck, is attached as Ex. A. Consequently, there are no grounds for amending or redacting the text of paragraphs 1-4 of the existing Scheduling Order (Doc. No. 320, attached as Ex. B), other than merely postponing the respective dates by 30 days, as shown in our enclosed draft order.

Respectfully submitted,



Kristen Renzulli

Encls.

cc: All Counsel (*via ECF*)

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

BANXCORP,

Plaintiff,

v.

BANKRATE, INC.,

Defendant.

Civil Action No. 07-3398 (ES)(CLW)
Civil Action No. 10-02467 (ES)(CLW)

**ORDER AMENDING PRETRIAL
SCHEDULING ORDER**

BANXCORP,

Plaintiff,

v.

LENDINGTREE, LLC,

Defendant.

WHEREAS, pursuant to the Court's Discovery Dispute Scheduling Order dated August 31, 2011 [Dkt. # 280], the Pretrial Scheduling Order entered in Civil Action No. 10-2467 on April 4, 2011 ("Pretrial Scheduling Order") as amended by order dated June 29, 2011 (the "Amended Scheduling Order"), shall govern proceedings in the above-entitled consolidated actions;

WHEREAS, an Order Amending Scheduling Order was filed on November 14, 2011 [Dkt. # 289], and amended by Order filed on March 20, 2012 [Dkt. # 320] (the "Order Amending Scheduling Order"); and

WHEREAS, counsel for the parties and the Court participated in a telephonic conference on April 27, 2012 concerning extension of the discovery deadlines; and for good cause shown;

IT IS ORDERED THAT:

1. Paragraph 1 of the Pretrial Scheduling Order is amended such that the end of fact discovery is extended to and including May 30, 2012.

2. Paragraph 7 of the Pretrial Scheduling Order, as amended by Paragraph 1 of the Amended Scheduling Order, is amended such that the time for: (1) Defendant LendingTree, LLC to deliver affirmative expert reports in the action entitled *BanxCorp v. Lending Tree, LLC*, 10-cv-02467 (ES) (CLW) and (2) Plaintiff and Defendant Bankrate, Inc. to deliver affirmative expert reports in the action entitled *BanxCorp v. Bankrate, Inc.*, 07-cv-3 398 (ES) (CLW) is extended to and including June 29, 2012.

3. Paragraph 8 of the Pretrial Scheduling Order is amended such that the time for responding expert reports, if any, is extended to and including July 30, 2012.

4. Paragraph 8 of the Pretrial Scheduling Order is further amended such that the completion of expert discovery is extended to and including August 20, 2012.

SO ORDERED

Cathy L. Waldor, U.S.M.J.

EXHIBIT A

SheppardMullin

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March 14, 2012

File Number: 04BR-160826

VIA CM/ECF

Hon. Cathy L. Waldor, U.S.M.J.
United States District Court
District of New Jersey
M.L. King, Jr. Federal Building & Courthouse
50 Walnut Street
Newark, New Jersey 07101


Re: BanxCorp v. Bankrate, Inc., Civil Action No. 07-3398
BanxCorp v. LendingTree, LLC, Civil Action No. 10-02467

Dear Judge Waldor:

On March 8, 2012, the parties submitted to Mr. George Bruck a handwritten agreed-upon amendment to the Order Amending Scheduling Order dated November 14, 2011 in the above-entitled actions (the "Scheduling Order") [Dkt. # 289 in Civil Action No. 07-3398].

Accordingly, attached for the Court's execution please find a formal Amended Scheduling Order amending the Scheduling Order which has been approved by counsel for all parties. The Court will note that, while certain interim dates set forth in the Scheduling Order have changed, the end date for discovery remains July 20, 2012.

Respectfully submitted,


Daniel L. Brown
Admitted pro hac vice

s/ Sean J. Kirby
Sean J. Kirby

for SHEPPARD, MULLIN, RICHTER & HAMPTON
LLP

Encl.

cc: George Bruck, Esq. (via ECF)
Counsel for all parties (via ECF)

EXHIBIT B

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

BANXCORP,
Plaintiff,

vs.

BANKRATE, INC.
Defendant.

Civil Action No. 07-cv-03398 (ES)(CLW)
Civil Action No. 10-cv-02467 (ES)(CLW)

**ORDER AMENDING PRETRIAL
SCHEDULING ORDER**

BANXCORP,
Plaintiff,

vs.

LENDINGTREE, LLC
Defendant.

WHEREAS, pursuant to the Court's Discovery Dispute Scheduling Order dated August 31, 2011 [Dkt. # 280], the Pretrial Scheduling Order entered in Civil Action No. 10-2467 on April 4, 2011 ("Pretrial Scheduling Order"), as amended by order dated June 29, 2011 (the "Amended Scheduling Order), shall govern proceedings in the above-entitled consolidated actions;

WHEREAS, an Order Amending Scheduling Order was filed on November 14, 2011 (the "Order Amending Scheduling Order") [Dkt. # 289]; and

WHEREAS, counsel for the parties have agreed to the following amendments to the Order Amending Scheduling Order;

NOW THEREFORE, IT IS ORDERED THAT:

1. Paragraph 1 of the Pretrial Scheduling Order is amended such that the end of fact discovery is extended to and including April 30, 2012.

2. Paragraph 7 of the Pretrial Scheduling Order, as amended by Paragraph 1 of the Amended Scheduling Order, is amended such that the time for: (1) Defendant LendingTree, LLC to deliver affirmative expert reports in the action entitled *BanxCorp. v. Lending Tree, LLC*, 10-cv-02467 (ES) (CLW), and (2) Plaintiff and Defendant Bankrate, Inc. to deliver affirmative expert reports in the action entitled *BanxCorp. v. Bankrate, Inc.*, 07-cv-3398 (ES) (CLW) is extended to and including May 31, 2012.

3. Paragraph 8 of the Pretrial Scheduling Order is amended such that the time for responding expert reports, if any, is extended to and including June 30, 2012.

4. Paragraph 8 of the Pretrial Scheduling Order is further amended such that the completion of expert discovery is extended to and including July 20, 2012.

SO ORDERED.



Cathy L. Waldor, U.S.M.J.